

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:06-CR-160-BO-1

BOBBY LEE RAWLINGS, )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Defendant. )  
 )

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ORDER

This matter is before the Court on petitioner's motions to compel discovery of a confidential source. [DE 160 & 167]. Those motions are DENIED.

DISCUSSION

Petitioner (Mr. Rawlings) again moves to compel the government to reveal the identity of a confidential informant. This issue was addressed by a pretrial motion pursuant to Federal Rule of Criminal Procedure 16. [DE 46]. After conducting an ex parte, in camera review of the evidence in the government's possession relating to the confidential informant, this Court denied that motion. Subsequently, the defendant was convicted by a jury and his conviction was affirmed on appeal. (*United States v. Rawlings*, No. 08-438, decided Jan. 4, 2010). The defendant has also petitioned this Court for § 2255 relief, but those requests for relief have been denied as untimely [DE 149 & 152].

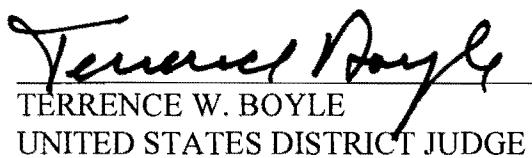
In order for a discovery motion to be timely it "must be made before trial." Fed. R. Crim. P. 12(b)(3)(E). The instant motions are untimely and attempt to re-litigate issues that have already been addressed by this Court and the appellate court. As such, petitioner's motions to

compel discovery must be denied.

CONCLUSION

Petitioner's motions to compel discovery of confidential source are DENIED.

SO ORDERED, this 16 day of October, 2012.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE